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**Federal Communications Commission
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**DA 04-193
January 28, 2004**

COMMENTS INVITED ON APPLICATION OF CABLE & WIRELESS USA, INC. (DEBTOR-IN-POSSESSION) TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

**WC Docket No. 04-15
Comp. Pol. File No. 673**

Comments Due: February 11, 2004

Section 214 Application

Applicant: Cable & Wireless USA, Inc. (Debtor-in-Possession)

On January 23, 2004, Cable & Wireless USA, Inc. (Debtor-in-Possession) (C&W DIP or Applicant) located at 11700 Plaza America Drive, Reston, Virginia 20190 filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of U.S. domestic interstate private line service to customers in certain geographic areas.

The application states that the Applicant, a provider of high-performance Internet, data, web hosting and communications services, is restructuring its U.S. business. As part of this restructuring effort, C&W DIP seeks authority to discontinue the provision of certain U.S. domestic interstate private line service in California, Kansas, Louisiana, Maryland, North Carolina, Ohio, Oregon, Tennessee and Texas. The application indicates that C&W DIP is non-dominant with respect to these services. C&W DIP states that it plans to discontinue services on February 23, 2004. C&W DIP also indicates that, in accordance with the requirements of section 63.71(a) of the Commission's rules, it notified all affected customers of the proposed discontinuance by sending personalized letters beginning on December 13, 2003 and ending on December 24, 2003.

In accordance with section 63.71(c) of the Commission's rules, the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified the Applicant that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, C&W DIP may not terminate service to the customers affected by this application until February 28, 2004. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service

or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit-but-disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **February 11, 2004**. Such comments should refer to **WC Docket No. 04-15 and Comp. Pol. File No. 673**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 6-A207, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail at qualexint@aol.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), **carmell.weathers@fcc.gov**, or Rodney McDonald, (202) 418-7513 (voice), **rodney.mcdonald@fcc.gov**, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit **[http://www.fcc.gov/wcb/cpd/other adjud](http://www.fcc.gov/wcb/cpd/other_adjud)**.

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